

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Home Department – Appointment of Director of Prosecutions, Andhra Pradesh, Hyderabad as authority to review the cases registered under the Unlawful Activities (Prevention) Act, 1967 and make recommendations to the competent authority for issue of sanction order for prosecution of the accused - Orders - Issued.

HOME (LEGAL II) DEPARTMENT

G.O.Ms.No: 223

Dated: 28.12.2012
Read the following:

1. From D.G.P., A.P., Hyd, Lr.Rc.No. 567/E8/SIB(Int)/2012, dt: 30.3.12.
2. From D.G.P., A.P., Hyd, Lr.Rc.No. 567/E8/SIB(Int)/2012, dt: 24.09.12.

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ORDER:-

Whereas, the Director General of Police, Andhra Pradesh, Hyderabad in the letters 1st and 2nd read above, has stated that the Government of India through gazette notification dated: 21.09.2004, notified the CPI(Maoist) and all its formations and front organizations as terrorist organizations under the Unlawful Activities (Prevention) (Amendment) Act, 2004 and included in the schedule at Sl.No. 34. The Parliament amended the Unlawful Activities (Prevention) Act, 1967 and inserted certain new provisions in it through the Unlawful Activities (Prevention) Amendment Act, 2008 (Act 35 of 2008).

“Accordingly, sanction for prosecution under sub-sec(1) of section 45 of the said Act shall be given within such time as may be only after considering the report of such authority appointed by the Central Government or as the case may be, the State Government shall make an independent review of the evidence gathered in the course of investigation and make recommendation, within such time as may be prescribed, to the Central Government or as the case may be, the State Government”.

2. And whereas, the Director General of Police, Andhra Pradesh, Hyderabad has stated that it is mandatory to appoint an authority in tune with the above provision, to study the proposal sent for according permission to prosecute the accused persons under the provisions of the Unlawful Activities (Prevention) Act, 1967 as amended in 2004 and 2008, by assessing the evidence gathered during the course of investigation and to make recommendations to the competent authority for issue of sanction orders for prosecution of the accused as laid down in sub-section(2) of Section 45 of the said Act.

3. And whereas, the Director General of Police, Andhra Pradesh, Hyderabad has requested the Government to appoint Director of Prosecutions, Andhra Pradesh, Hyderabad as designated authority to review the proposals received from the investigating authorities of the cases registered under the Unlawful Activities (Prevention) Act, 1967 and recommend to the competent authority for issue of sanction orders to prosecute the accused.

4. The Government, after careful examination of the matter, and in exercise of the powers conferred under sub-section(2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 hereby appoint the Director of Prosecutions, Andhra Pradesh, Hyderabad as designated authority to review the cases registered under the Unlawful Activities (Prevention) Act, 1967 and recommend to the competent authority for issue of sanction orders against accused, within seven (7) working days as specified in the Unlawful Activities (Prevention) (Recommendation and Sanction of Prosecution) Rules, 2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**T.P.DAS
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General of Police, A.P., Hyderabad
The Director of Prosecution, A.P., Hyderabad.

Copy to:

The Law (E) Department
The P.S to Secretary (LA & J) Department
The P.S to Prl.Secy, Home Department.
C.No. 2536(P)/Legal.II/A2/2012
SF/SC.

// FORWARDED :: BY ORDER//

SECTION OFFICER